REMARKS

In the subject office action, claims 1-4, 6-27 were rejected. In response, Applicants have cancelled claims 4-5, 8, 21-22 and 24, and amended claims 1-3, 6-7, 9-12, 14-20, 23 and 25-27. Claim 13 remains as originally. Claims 1-3, 6-7, 9-20, 23, and 25-27 are now pending.

Reconsideration of the Application is respectfully requested.

Claim Rejections – 35 USC §103

Claims 1-2, 6-8, 11, 14-17, 20 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Windows 95 networking capability (as illustrated in the Internet article "Building a Windows 95 Peer to Peer network" by Brother, Inc. of record), in view of Yuan (US 6,496,704).

Rejection against claim 8 has been rendered moot by its cancellation.

The Examiner has summarized the essence of the Examiner's position as

"(1) Operating a peer-to-peer network for the sake of exchanging files such as music files was known outside of the realm of automobiles, including as functionality within the Windows operating system;

(2) Mobile networks, and portable computers (such as laptops) that operate on a wireless network render obvious the step of moving such capability to an automobile ..." (Page 2 of Office Action).

Further, in rejecting claims 1, 8, 11, 14-17, 20 and 25, the Examiner asserts the recitation of "request without a priori knowledge" can be met by the Brother reference, as one can "perform a search" of the illustrated testshare folder, which is "closed, and its content cannot be seen."

In response, Applicant has amended the claims to more clearly distinguish Applicant's invention over the prior art. In particular, Applicant has amended independent claims 1, 11, 16 and 25, to recite in substance that the "request for a music file without a priori knowledge of whether the targeted recipient of the request has the requested music file" is a "request to provide a music file without a priori

knowledge of whether the targeted recipient of the request has the requested music file." A Search operation, as such an operation is understood by those of ordinary skill in the art is an operation that inquires a target recipient of the Search operation whether the recipient has the music file, and is not a request to provide the music file. It is well known to those of ordinary skill that a "request to provide" under the peer-to-peer system described by Brother is a request that includes the "file system path" of the music file. More significantly such a "request to provide", by virtue of the inherent inclusion of the "file system path" of the music file, necessarily imputes knowledge on the requestor, otherwise, the requestor would not have been able to specify the file system path of the requested music file. Accordingly, the Search operation hypothesized by the Examiner does not teach or suggest the now clarified "request to provide" operation recited in each of independent claims 1, 11, 16 and 25.

Focusing now on the "essence" of the Examiner's basis of rejections, Applicant respectfully reminds the Examiner that section 103 requires the Examiner to view the invention as a whole. When viewed accordingly, the language of the independent claims recites a novel peer-to-peer communication model, and not the conventional peer-to-peer communication model as disclosed in Brother. In the conventional peer-to-peer communication model, a participant node of the peer-to-peer network elects to publish a selected set of content on the participant node. It is up to the consuming node of the network to access the publishing node (or an indexing node) to determine what's available from a particular publishing node. Under such a network, a request with a path to a resource on a publishing node that does not exist results in an access error, as is well known. A publishing node does not forward such a request to another node of the peer-to-peer network to attempt to have another node satisfy the request. Accordingly, Brother does not teach or suggest the recitation of "forwarding the request..."

Yuan does not remedy this deficiency of the Brother reference. Accordingly, in combination, the cited references merely teach a mobile version of the conventional peer-to-peer network, where the responsibility of knowing whether a content of interest

is available rests with a consuming (requesting) node. Accordingly, the conventional peer-to-peer model may be referred to as a consumer node burdened peer-to-peer communication model, because the responsibility of knowing where the content of interest is available rests with the consuming (requesting) node. In contrast, as explained earlier, the peer-to-peer communication recited in the claims, by virtue of a publisher's responsibility to forward in the event it does not have a requested content, may be characterized as a publisher burdened peer-to-peer communication, because of the responsibility to forward.

Therefore, the two communication models, as recited in the amended claims, and as taught in the cited references, do not suggest each other. Thus, independent claims 1, 11, 16 and 25, by virtue of at least these reasons, are patentable over the cited references under section 103(a).

Claims 3 and 13 were rejected under 35 USC 103(a) as being unpatentable in view of Brother, Yuan and Jigour (USP 5,877,975). Jigour does not remedy the deficiencies earlier discussed for Brother and Yuan. Therefore, claims 1 and 11 remain patentable over Brother and Yuan, even when further combined with Jigour. Claims 3 and 13 depend from claims 1 and 11, incorporating their recitations. Accordingly, for at least the same reasons, claims 3 and 13 are patentable over Brother, Yuan and Jigour combined.

Claims 4, 18 and 19 were rejected under 35 USC 103(a) as being unpatentable in view of Brother, Yuan and Zoest (USP 6,496,802). Rejection against claim 4 has been rendered moot by its cancellation. Zoest does not remedy the deficiencies earlier discussed for Brother and Yuan. Therefore, claims 1 and 16 remain patentable over Brother and Yuan, even when further combined with Zoest. Claims 4, 18 and 19 depend from claims 1 and 16, incorporating their recitations. Accordingly, for at least the same reasons, claims 4, 18 and 19 are patentable over Brother, Yuan and Zoest combined.

Claims 9, 12 and 26 were rejected under 35 USC 103(a) as being unpatentable in view of Brother, Yuan and Tosaya (USP 6,323,893). Tosaya does not remedy the

deficiencies earlier discussed for Brother and Yuan. Therefore, claims 1, 11 and 25 remain patentable over Brother and Yuan, even when further combined with Tosaya. Claims 9, 12 and 26 depend from claims 1, 11 and 25, incorporating their recitations. Accordingly, for at least the same reasons, claims 9, 12 and 26 are patentable over Brother, Yuan and Tosaya combined.

Claims 21-24 were rejected under 35 USC 103(a) as being unpatentable in view of Brother, Yuan and Dutta (USP 6,636,854). Rejections against claims 21-22 and 24 have been rendered moot by their cancellations. Dutta does not remedy the deficiencies earlier discussed for Brother and Yuan. Therefore, claim 16 remains patentable over Brother and Yuan, even when further combined with Dutta. Claim 23 depends from claim 16, incorporating its recitations. Accordingly, for at least the same reasons, claim 23 is patentable over Brother, Yuan and Dutta combined.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-3, 6-7, 9-20, 23, and 25-27 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

Schwabe, Williamson & Wyatt, P.C.

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Kevin T. LeMond
Reg. No. 35933

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981